

1 DAVID A. ROSENBERG
 2 Nevada Bar No.: 10738
 3 US BANKRUPTCY TRUSTEE
 4 5030 Paradise Road., #B-215
 5 Las Vegas, Nevada 89119
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 10 **UNITED STATES BANKRUPTCY COURT**
 11 **FOR THE DISTRICT OF NEVADA**

12
 13 **In Re:**
 14 **BRAXTON, JAMES TERREL**

15
 16 **Debtor(s)**

17
 18 **Case No.: BK-S-13-15810 BTB**
 19 **Chapter 7**

20
 21 **Hearing Date : N/A**
 22 **Hearing Time: N/A**

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 24 **TRUSTEE'S REPORT OF SALE**

25 Pursuant to F.R.B.P. 6004(f), the Trustee hereby reports the results of the sale following
 26 the *Trustee's Motion To Sell Assets Of The Estate Free And Clear Of Liens And Encumbrances*
 27 *And To Surcharge Proceeds Of Sale – Real Property [3930 Legend Hills Street #102, Las*
 28 *Vegas, NV 89129]*, which was granted by Court Order entered May 30, 2014 [Dkt. No. 51].

29 Attached as Exhibit 1 is the Final Combined Statement.

30 31 SALES PRICE	32 \$84,350.00
33 CLOSING COSTS	34 -\$8,857.48
35 §506(c) CARVE-OUT BUYER'S PREMIUM	36 -\$7,267.50
37 SALE PROCEEDS	38 \$68,225.02

39 The Trustee declares the foregoing is true and correct under penalty of perjury.

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 41 **DATED** this Monday, June 09, 2014.

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 43 Respectfully Submitted:
 44 By: /s/ David A. Rosenberg
 45 David A. Rosenberg
 46 Panel Bankruptcy Trustee

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2 **EXHIBIT 1**

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14 **EXHIBIT 1**

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20 **EXHIBIT 1**

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26 **EXHIBIT 1**

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A. Settlement Statement (HUD-1)

B. Type of Loan

1. <input type="checkbox"/> FHA	2. <input type="checkbox"/> RHS	3. <input type="checkbox"/> Conv. Unins.	6. File Number: 01415-10252	7. Loan Number:	8. Mortgage Insurance Case Number:
4. <input type="checkbox"/> VA	5. <input type="checkbox"/> Conv. Ins.	<input type="checkbox"/> Other			

C. Note: This form is furnished to give you a statement of actual settlement costs. Amounts paid to and by the settlement agent are shown. Items marked "(POC)" were paid outside the closing; they are shown here for informational purposes and are not included in the totals.

D. Name & Address of Borrower: Phoenix LV Realty Partners No. 2, LLP, 3753 Howard Hughes Parkway, Suite 200, Las Vegas, NV 89169

E. Name & Address of Seller: David A. Rosenberg, TTEE BK for the Estate of James Terrel Braxton, debtor, Case No. 13-15810-btb, 5030 Paradise Rd., Suite #B-215, Las Vegas, NV 89129

F. Name & Address of Lender: Lender

G. Property Location: 3930 Legend Hills Street Unit 102 Las Vegas, Nevada 89129
137-12-514-018

H. Settlement Agent: Stewart Title Company, 376 E. Warm Springs Road, Suite 190, Las Vegas, NV 89119, (702) 697-3700
Place of Settlement: 376 E. Warm Springs Road, Suite 190, Las Vegas, NV 89119

I. Settlement Date: 6/4/2014 Proration Date: 6/4/2014 Disbursement Date: None

J. Summary of Borrower's Transaction		K. Summary of Seller's Transaction	
100. Gross Amount Due from Borrower		400. Gross Amount Due to Seller	
101. Contract sales price	\$84,350.00	401. Contract sales price	\$84,350.00
102. Personal property		402. Personal property	
103. Settlement charges to borrower (line 1400)	\$1,287.49	403.	
104.		404.	
105.		405.	
Adjustments for items paid by seller in advance		Adjustments for items paid by seller in advance	
106. City/town taxes		406. City/town taxes	
107. County taxes 6/4/2014 to 7/1/2014	\$48.44	407. County taxes 6/4/2014 to 7/1/2014	\$48.44
108. Assessments		408. Assessments	
109. Sewer		409. Sewer	
110. HOA Dues 6/4/2014 to 6/30/2014	\$139.53	410. HOA Dues 6/4/2014 to 6/30/2014	\$139.53
111.		411.	
112.		412.	
120. Gross Amount Due from Borrower	\$85,825.46	420. Gross Amount Due to Seller	\$84,537.97
200. Amounts Paid by or in Behalf of Borrower		500. Reductions in Amount Due to Seller	
201. Deposit or earnest money		501. Excess deposit (see instructions)	
202. Principal amount of new loan(s)		502. Settlement charges to seller (line 1400)	\$9,045.45
203. Existing loan(s) taken subject to		503. Existing loan(s) taken subject to	
204.		504. Payoff of first mortgage loan	
205. Deposit to Close	\$86,057.62	505. Payoff of second mortgage loan	
206.		506.	
207.		507.	
208. Seller credits to buyer		508. Seller credits to buyer	
209.		509.	
Adjustments for items unpaid by seller		Adjustments for items unpaid by seller	
210. City/town taxes		510. City/town taxes	
211. County taxes		511. County taxes	
212. Assessments		512. Assessments	
213.		513.	
214.		514.	
215.		515.	
216.		516.	
217.		517.	
218.		518.	
219.		519.	
220. Total Paid by/for Borrower	\$86,057.62	520. Total Reduction Amount Due Seller	\$9,045.45
300. Cash at Settlement from/to Borrower		600. Cash at Settlement to/from Seller	
301. Gross amount due from borrower (line 120)	\$85,825.46	601. Gross amount due to seller (line 420)	\$84,537.97
302. Less amounts paid by/for borrower (line 220)	(\$86,057.62)	602. Less reductions in amount due seller (line 520)	(\$9,045.45)
303. Cash <input type="checkbox"/> From <input checked="" type="checkbox"/> To Borrower	\$232.16	603. Cash <input type="checkbox"/> To <input checked="" type="checkbox"/> From Seller	\$75,492.52

SUBSTITUTE FORM 1099 SELLER STATEMENT - The information contained in Blocks E, G, H and I and on line 401 (or, if line 401 is asterisked, lines 403 and 404), 406, 407 and 408-412 (applicable part of buyer's real estate tax reportable to the IRS) is important tax information and is being furnished to the Internal Revenue Service. If you are required to file a return, a negligence penalty or other sanction will be imposed on you if this item is required to be reported and the IRS determines that it has not been reported.

SELLER INSTRUCTION - If this real estate was your principal residence, file form 2119, Sale or Exchange of Principal Residence, for any gain, with your income tax return; for other transactions, complete the applicable parts of form 4797, Form 6252 and/or Schedule D (Form 1040).

You are required to provide the Settlement Agent with your correct taxpayer identification number.

If you do not provide the Settlement Agent with your correct taxpayer identification number, you may be subject to civil or criminal penalties.

DAVID A. ROSENBERG, TTEE BK FOR
THE ESTATE OF JAMES TERREL BRAXTON,
DEBTOR, CASE NO. 13-15810-BTB

David A Rosenberg, BK Trustee

The undersigned hereby certifies
this to be a true and correct copy
of the original document.
STEWART TITLE OF NEVADA
By _____

The Public Reporting Burden for this collection of information is estimated at 35 minutes per response for collecting, reviewing, and reporting the data. This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid OMB control number. No confidentiality is assured; this disclosure is mandatory. This is designed to provide the parties to a RESPA covered transaction with information during the settlement process.

Settlement Charges		Paid From Borrower's Funds at Settlement	Paid From Seller's Funds at Settlement
700. Total Real Estate Broker Fees based on price \$84,350.00 @ 6.000000% = \$5,061.00	Division of commission (line 700) as follows:		
701. \$2,530.50 to Platinum Real Estate Professionals			
702. \$2,530.50 to Vegas International Properties Realtly Group			
703. Commission paid at settlement \$5,061.00			\$5,061.00
704. Transaction Fee to Platinum Real Estate Professionals			\$595.00
705. Transaction Fee to Vegas International Properties Realtly Group			\$495.00
800. Items Payable in Connection with Loan			
801. Our origination charge	(from GFE #1)		
802. Your credit or charge (points) for the specific interest rate chosen	(from GFE #2)		
803. Your adjusted origination charges	(from GFE A)		
804. Appraisal fee	(from GFE #3)		
805. Credit report	(from GFE #3)		
806. Tax service	(from GFE #3)		
807. Flood certification	(from GFE #3)		
808.			
900. Items Required by Lender to Be Paid in Advance			
901. Daily interest charges from	(from GFE #10)		
902. Mortgage insurance premium for	(from GFE #3)		
903. Homeowner's insurance for	(from GFE #11)		
904.			
905.			
1000. Reserves Deposited with Lender			
1001. Initial deposit for your escrow account	(from GFE #9)		
1002. Homeowner's insurance			
1003. Mortgage insurance			
1004. City property taxes			
1005. County property taxes			
1006. Annual Assessments (maint.)			
1007.			
1008.			
1009. Aggregate Adjustment			
1100. Title Charges			
1101. Title services and lender's title insurance	(from GFE #4)	\$362.50	
1102. Settlement or closing fee to Stewart Title Company	\$312.50		\$312.50
1103. Owner's title insurance to Stewart Title Company	(from GFE #5)		\$625.00
1104. Lender's title insurance to Stewart Title Company			
1105. Lender's title policy limit			
1106. Owner's title policy limit \$84,350.00			
1107. Agent's portion of the total title insurance premium to Stewart Title Company \$550.00			
1108. Underwriter's portion of the total title insurance premium to Stewart Title Guaranty Company \$75.00			
1109.			
1110.			
1111. Title clearing fee			
1112. Shipping/courier			
1113. Recon tracking			
1114. Insured Closing Letter			
1115. Title Work Charge to Stewart Title Company	\$50.00		\$50.00
1116. Document Fee to Stewart Title Company			\$200.00
1200. Government Recording and Transfer Charges			
1201. Government recording charges	(from GFE #7)	\$25.00	
1202. Deed \$25.00 Mortgage Releases Other \$46.00	\$25.00		\$46.00
1203. Transfer taxes	(from GFE #8)		
1204. City/County tax/stamps			
1205. State tax/stamps Deed \$430.95			\$430.95
1206. E-recording fee			
1300. Additional Settlement Charges			
1301. Required services that you can shop for	(from GFE #6)		
1302.			
1303.			
1304. Real property taxes 1st qtr 2014-15 to Clark County Treasurer Estimate		\$243.99	
1305. HOA dues/late fee June 2014 to NAS			\$186.00
1306. HOA transfer fee to NAS			\$175.00
1307. Home warranty/buyer WAIVED			
1310. Reimbursement to Bob Diamond			\$500.00
1312. HOA Demand/Resale pkg. reimbursement to Bob Diamond			\$464.00
1313. Adv. HOA dues - July 2014 to NAS		\$161.00	
1314. HOA demand/Rush fee to NAS			\$400.00
1400. Total Settlement Charges (enter on lines 103, Section J and 502, Section K)		\$1,287.49	\$9,045.45

Items marked "POC" were paid outside the closing by: Borrower (POCB), Lender (POCL), Mortgage Broker (POCM), Other (POCO), Real Estate Agent (POCR), or Seller (POCS).

CERTIFICATION:

I have carefully reviewed the HUD-1 Settlement Statement and to the best of my knowledge and belief, it is a true and accurate statement of all receipts and disbursements made on my account or by me in this transaction. I further certify that I have received a copy of HUD-1 Settlement Statement. The Settlement Agent does not warrant or represent the accuracy of information provided by any party, including information concerning POC items and information supplied by the lender in this transaction appearing on this HUD-1 Settlement Statement pertaining to "Comparison of Good Faith Estimate (GFE) and HUD-1 Charges" and "Loan Terms", and the parties hold harmless the Settlement Agent as to any inaccuracies in such matters. The parties have read the above sentences, recognize that the recitations herein are material, agree to same, and recognize Title Company is relying on the same.

PHOENIX LV REALTY PARTNERS NO. 2, LLP
By: PHOENIX LV REALTY PARTNERS, LLC

DAVID A. ROSENBERG, TTEE BK FOR
THE ESTATE OF JAMES TERREL BRAXTON,
DEBTOR, CASE NO. 13-15810-BTB

By:
Its:

David A Rosenberg, BK Trustee

To the best of my knowledge, the HUD-1 Settlement Statement which I have prepared is a true and accurate account of the funds which were received and have been or will be disbursed by the undersigned as part of the settlement of this transaction.

Linda Jones

Date

WARNING: It is a crime to knowingly make false statements to the United States on this or any other similar form. Penalties upon conviction can include a fine and imprisonment. For details see: Title 18: U.S. Code Section 1001 and Section 1010.

Comparison of Good Faith Estimate (GFE) and HUD-1 Charges		6/5/2014 11:11:49 AM	Good Faith Estimate	HUD-1
Charges That Cannot Increase	HUD-1 Line Number			
Our origination charge	# 801	\$0.00	\$0.00	
Your credit or charge (points) for the specific interest rate chosen	# 802	\$0.00	\$0.00	
Your adjusted origination charges	# 803	\$0.00	\$0.00	
Transfer taxes	# 1203	\$0.00	\$0.00	

Charges That in Total Cannot Increase More Than 10%	Good Faith Estimate	HUD-1
Government recording charges	# 1201 \$0.00	\$25.00
#		
#		
#		
#		
#		
#		
#		
#		
Total	\$0.00	\$25.00
Increase between GFE and HUD-1 Charges	\$25.00	or 0.000000%

Charges That Can Change	Good Faith Estimate	HUD-1
Initial deposit for your escrow account	# 1001 \$0.00	\$0.00
Daily interest charges	# 901 \$0.00	\$0.00
Homeowner's insurance	# 903 \$0.00	\$0.00
#		
#		
#		
#		
#		
#		
#		

Loan Terms

Your initial loan amount is	\$0.00		
Your loan term is	years <input type="checkbox"/> N/A		
Your initial interest rate is	%		
Your initial monthly amount owed for principal, interest, and any mortgage insurance is	includes <input type="checkbox"/> Principal <input type="checkbox"/> N/A <input type="checkbox"/> Interest <input type="checkbox"/> Mortgage Insurance		
Can your interest rate rise?	<input type="checkbox"/> No. <input type="checkbox"/> Yes, it can rise to a maximum of ____%. The first change will be on _____ and can change again every _____ after _____. Every change date, your interest rate can increase or decrease by ____%. Over the life of the loan, your interest rate is guaranteed to never be lower than ____% or higher than ____%.		
Even if you make payments on time, can your loan balance rise?	<input type="checkbox"/> No. <input type="checkbox"/> Yes, it can rise to a maximum of _____. <input type="checkbox"/> Unknown		
Even if you make payments on time, can your monthly amount owed for principal, interest, and mortgage insurance rise?	<input type="checkbox"/> No. <input type="checkbox"/> Yes, the first increase can be on _____ and the monthly amount owed can rise to _____. The maximum it can ever rise to is _____.		
Does your loan have a prepayment penalty?	<input type="checkbox"/> No. <input type="checkbox"/> Yes, your maximum prepayment penalty is _____.		
Does your loan have a balloon payment?	<input type="checkbox"/> No. <input type="checkbox"/> Yes, you have a balloon payment of _____ due in _____ years on _____.		
Total monthly amount owed including escrow account payments	<input type="checkbox"/> You do not have a monthly escrow payment for items, such as property taxes and homeowner's insurance. You must pay these items directly yourself. <input type="checkbox"/> You have an additional monthly escrow payment of _____ that results in a total initial monthly amount owed of _____. This includes principal, interest, any mortgage insurance and any items checked below: <input type="checkbox"/> Property taxes <input type="checkbox"/> Homeowner's insurance <input type="checkbox"/> Flood insurance <input type="checkbox"/> _____ <input type="checkbox"/> _____ <input type="checkbox"/> _____		
<input type="checkbox"/> *Paid by or through draws from the principal limit.			

Note: If you have any questions about the Settlement Charges and Loan Terms listed on this form, please contact your lender.